

**TWENTY-FIFTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 5, 2004**

House of Representatives

The House convened at 11:15 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Bolz, Gagner, Henbest, Skippen.
Total -- 4.

Total -- 70.

Prayer was offered by Pastor David McKellip.

The Pledge of Allegiance was led by Sarah Mahaffy, Page.

Approval of Journal

February 5, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fourth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 4, 2004

Mr. Speaker:

I transmit herewith enrolled **S 1213**, **S 1216**, **S 1217**, and **S 1218** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1213**, **S 1216**, **S 1217**, and **S 1218** and, when so signed, ordered them returned to the Senate.

February 4, 2004

Mr. Speaker:

I return herewith enrolled **H 503** which has been signed by the President.

WOOD, Secretary

Enrolled **H 503** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

February 5, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 609**.

FIELD(18), Chairman

H 609 was referred to the Judiciary, Rules, and Administration Committee.

February 4, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 542** and recommend that it do pass.

CROW, Chairman

H 542 was filed for second reading.

February 4, 2004

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 540** and recommend that it do pass.

WOOD, Chairman

H 540 was filed for second reading.

February 4, 2004

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration **H 554** and recommend that it do pass.

BARRETT, Chairman

H 554 was filed for second reading.

February 4, 2004

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 546**, **H 547**, **H 548**, and **SCR119** and recommend that they do pass.

JONES, Chairman

H 546, **H 547**, **H 548** and **SCR119** were filed for second reading.

February 4, 2004

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 605** and **SCR 120** and recommend that they do pass.

SALI, Chairman

H 605 and **SCR 120** were filed for second reading.

February 5, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 505** and **H 506** and recommend that they do pass.

CROW, Chairman

H 505 and **H 506** were filed for second reading.

There being no objection, the House advanced to the Seventh

Order of Business.

Motions, Memorials, and Resolutions

**HOUSE JOINT MEMORIAL NO. 15
BY TRANSPORTATION AND DEFENSE COMMITTEE
A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho experiences on its roads and highways every year significant movement of agricultural commodities, including livestock, livestock food, poultry and poultry feed; and

WHEREAS, the federal National Highway System Designation Act of 1995 includes an agricultural operations exemption from the federal hours of service regulations for truck drivers transporting agricultural commodities; and

WHEREAS, the majority of states in the nation have, without adverse safety consequences, implemented the agricultural operations exemption based upon the specific agricultural transportation needs found within the individual states; and

WHEREAS, produce and other perishable commodities must be delivered in a timely manner, as the need for efficient, timely commercial agricultural transportation grows; and

WHEREAS, the federal Motor Carrier Safety Administration has issued a "guidance" which states that livestock, livestock feed, poultry and poultry feed are not agricultural commodities.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urgently support the passage of H.R. 871, to amend the national Highway System Designation Act of 1995, to provide a comprehensive definition of the term "agricultural commodity" and thereby make the agricultural operations exemption permanent and not subject to modification or revocation by the United States Department of Transportation.

BE IT FURTHER RESOLVED that we urge the congressional delegation representing the State of Idaho in the Congress of the United States to actively support and become cosponsors for passage of H.R. 871.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 15 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 610
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO INCOME TAX CREDITS FOR CHARITABLE CONTRIBUTIONS; AMENDING SECTION 63-3029C, IDAHO CODE, TO PROVIDE AN INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS MADE TO CHILDREN'S VILLAGE, INC. OR ITS FOUNDATION.

**HOUSE BILL NO. 611
BY ENVIRONMENTAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO COMMERCIAL HAZARDOUS WASTE DISPOSAL FEES; AMENDING SECTION 39-4427, IDAHO CODE, TO PROVIDE FEES FOR CERTAIN MANIFESTED REMEDIATION WASTES, TO REVISE FEES FOR DISPOSAL OF CERTAIN HAZARDOUS WASTES, PCBs AND HAZARDOUS DEBRIS AT COMMERCIAL HAZARDOUS WASTE DISPOSAL FACILITIES OR PERMITTED SITES; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 612
BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO THE MOBILE HOME PARK LANDLORD TENANT ACT; AMENDING SECTION 55-2010, IDAHO CODE, TO PROVIDE CLARIFICATION AND TO INCREASE THE NOTICE TIME WHICH MUST BE GIVEN BEFORE TERMINATION OF A TENANCY AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 613
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO AQUACULTURE; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 44, TITLE 22, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR THE IDAHO AQUACULTURE COMMISSION, TO PROVIDE FOR COMPOSITION OF THE COMMISSION AND APPOINTMENT BY THE GOVERNOR, TO PROVIDE REQUIRED QUALIFICATIONS FOR COMMISSION MEMBERS, TO PROVIDE FOR TERMS OF APPOINTMENT, VACANCIES AND REMOVAL OF COMMISSION MEMBERS, TO RESTRICT THE NUMBER OF CONSECUTIVE TERMS A MEMBER MAY SERVE, TO PROVIDE THAT MEMBERS SHALL SERVE WITHOUT COMPENSATION, TO PROVIDE A PROCESS FOR NOMINATIONS FOR INITIAL APPOINTMENTS TO THE COMMISSION, TO PROVIDE FOR NOMINATIONS FOR VACANCIES, TO PROVIDE FOR THE ELECTION OF A CHAIR, TO PROVIDE FOR MEETINGS, TO PROVIDE FOR A QUORUM, TO PROVIDE POWERS AND DUTIES OF THE COMMISSION, TO PROVIDE FOR THE DEPOSIT AND DISBURSEMENT OF FUNDS, TO PROVIDE FOR STATE

AUDITS OF COMMISSION FUNDS, TO PROVIDE FOR ANNUAL REPORTS, TO PROVIDE FOR BIENNIAL AUDITS, TO PROVIDE THAT THE STATE IS NOT LIABLE, TO REQUIRE THAT PRODUCERS AND PROCESSORS BE IN GOOD STANDING TO VOTE, TO PROVIDE FOR ASSESSMENTS AND TO PROVIDE FOR REFUNDS.

HOUSE BILL NO. 614
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE COMMODITY INDEMNITY FUND; AMENDING SECTION 69-261, IDAHO CODE, TO REVISE COMPENSATION PROVISIONS FOR MEMBERS OF THE COMMODITY INDEMNITY FUND ADVISORY COMMITTEE.

HOUSE BILL NO. 615
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE SEED INDEMNITY FUND; AMENDING SECTION 22-5124, IDAHO CODE, TO REVISE COMPENSATION PROVISIONS FOR MEMBERS OF THE SEED INDEMNITY FUND ADVISORY COMMITTEE.

HOUSE BILL NO. 616
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO SLOW MOVING VEHICLES; AMENDING SECTION 49-619, IDAHO CODE, TO CLARIFY OPERATION OF SLOW MOVING VEHICLES ON PUBLIC HIGHWAYS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 617
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO MEDICAL RECORDS; AMENDING CHAPTER 43, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4308, IDAHO CODE, TO PROVIDE ACCESS TO MEDICAL RECORDS ABOUT A PERSON BY THAT PERSON.

H 610, H 611, H 612, H 613, H 614, H 615, H 616, and H 617 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 484, H 485, H 522, H 523, and H 524, by Business Committee, were read the second time by title and filed for third reading.

H 586, H 588, and H 518, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

H 500, H 564, H 563, H 562, H 561, H 560, H 559, and H 558, by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 511 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Edmunson to open debate.

The question being, "Shall **H 511** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bradford, Campbell, Cannon, Clark(Jorgenson), Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bolz, Gagner, Henbest, Skippen, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 511** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **SCR 118** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

S 1219 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mitchell to open debate.

At this time, Mr. Denney took the Chair.

The question being, "Shall **S 1219** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bradford, Campbell, Cannon, Clark(Jorgenson), Collins, Crow, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24),

Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 63.

NAYS -- None.

Absent and excused -- Bolz, Deal, Gagner, Henbest, Skippen, Wood, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1219** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1231 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Bell to open debate.

The question being, "Shall **S 1231** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bradford, Campbell, Cannon, Clark(Jorgenson), Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 63.

NAYS -- None.

Absent and excused -- Bolz, Gagner, Henbest, Jones, Skippen, Wood, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1231** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 480 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Naccarato to open debate.

The question being, "Shall **H 480** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Black, Block, Boe, Cannon, Cuddy, Deal, Denney, Douglas, Edmunson, Eskridge, Field(18), Field(23), Garrett, Harwood, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Trail, Wills. Total -- 44.

NAYS -- Barrett, Bayer, Bedke, Bell, Bradford, Campbell, Clark(Jorgenson), Collins, Crow, Eberle, Ellsworth, Kulczyk, Lake, McGeachin, Moyle, Raybould, Roberts, Sali, Smith(24), Snodgrass, Stevenson. Total -- 21.

Absent and excused -- Bolz, Gagner, Henbest, Wood,

Mr. Speaker. Total -- 5.

Paired Vote:

AYE -- Skippen. NAY -- Smith(24).

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 480** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 551 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Ring to open debate.

The question being, "Shall **H 551** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bradford, Campbell, Cannon, Clark(Jorgenson), Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 63.

NAYS -- None.

Absent and excused -- Bolz, Gagner, Henbest, Schaefer, Skippen, Wood, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 551** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 553** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

H 509 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Deal to open debate.

The question being, "Shall **H 509** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bradford, Campbell, Cannon, Clark(Jorgenson), Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart,

Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Saylor, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 63.

NAYS -- McKague. Total -- 1.

Absent and excused -- Bolz, Gagner, Henbest, Schaefer, Skippen, Mr. Speaker. Total -- 6.

Total -- 70.

ATTEST:

PAMM JUKER, Chief Clerk

Whereupon the Speaker Pro Tem declared **H 509** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 539 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Campbell to open debate.

The question being, "Shall **H 539** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bradford, Campbell, Cannon, Clark(Jorgenson), Collins, Cuddy, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalch, Sali, Schaefer, Shirley, Skippen, Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 51.

NAYS -- Andersen, Boe, Crow, Douglas, Jaquet, Langhorst, Martinez, Mitchell, Naccarato, Pasley-Stuart, Ringo, Robison, Saylor, Shepherd, Smith(30), Smith(24). Total -- 16.

Absent and excused -- Bolz, Gagner, Henbest. Total -- 3.

Paired Vote:

AYE -- Skippen. NAY -- Naccarato.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 539** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, February 6, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 12:19 p.m.

BRUCE NEWCOMB, Speaker